

2. That the said Augustus C. Tyeryar died intestate on the 12th day of May, 1961, leaving surviving as his only heirs-at-law, to-wit: a widow, Catherine I. Tyeryar; a daughter, Alice Louise Bowers, whose husband's name is Joseph Bowers; a daughter, Mary Irene Wolfe, whose husband's name is Landis Wolfe; a daughter, Gussie May Guariglia, whose husband's name is Oliver A. Guariglia, Sr.; a son, Charles Ervin Tyeryar, whose wife's name is Edna M. Tyeryar; a son, James E. Tyeryar, whose wife's name is Eileen Tyeryar; a son, Charles S. Tyeryar, whose wife's name is Gloria F. Tyeryar; a daughter, Mary Catherine Hubbard, whose husband's name is Malcolm A. Hubbard; and a son, Harry A. Tyeryar, infant, to which aforesaid heirs-at-law title to the real estate described in the preceding paragraph hereof descends to and vested in by virtue of operation of law.

3. That all of the parties to this proceeding are adults above the age of twenty-one years other than Harry A. Tyeryar, who is now aged nineteen years, and presently resides with his mother at 111 East Patrick Street, Frederick, Maryland.

4. That as of the date of death of the said Augustus C. Tyeryar the real estate hereinbefore described was subject to a mortgage from Charles S. Tyeryar and Gloria F. Tyeryar, his wife, to the Frederick County National Bank of Frederick, dated January 17, 1958, and recorded in Liber No. 594, folio 521, one of the Land Records of the County aforesaid, a certified copy of which said mortgage is filed herewith as "Exhibit No. 2" and prayed may be considered a part hereof, the said mortgage debt being in the unpaid principal amount of Seven Thousand, Nine Hundred Six Dollars and Seventeen Cents (\$7,906.17), together with interest from March 17, 1961.

5. That the interest of the said Charles S. Tyeryar in and to the aforesaid real estate is further encumbered by Federal Tax Liens aggregating One Thousand, Eight Hundred Seventy-nine Dollars and Seventy-two Cents (\$1,879.72), more particularly set forth in a certification relating to said Tax Liens executed by the Clerk of the Circuit Court for Frederick County, Maryland, filed herewith as "Exhibit No. 3", which is prayed may be taken and considered a part hereof.